

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CARNEGIE INSTITUTION OF  
WASHINGTON and M7D CORPORATION,

Plaintiffs,

v.

PURE GROWN DIAMONDS, INC. and  
IIA TECHNOLOGIES PTE. LTD. d/b/a  
IIA TECHNOLOGIES,

Defendants.

Case No. 20-cv-0189 (JSR)

**PUBLIC REDACTED VERSION**

**DECLARATION OF J. PRESTON LONG IN OPPOSITION  
TO PLAINTIFFS' MOTION TO DISMISS DEFENDANTS'  
COUNTERCLAIMS AND AFFIRMATIVE DEFENSES**

I, J. Preston Long, declare as follows:

1. I am an attorney with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP and am counsel for Defendants Pure Grown Diamonds, Inc. and IIA Technologies Pte. Ltd in the above-captioned matter. I submit this declaration based upon my own personal knowledge in opposition to Plaintiffs' Motion to Dismiss Defendants' Counterclaims and Affirmative Defenses.

2. Attached as Exhibit A is a true and correct copy of U.S. Patent No. RE41,189 to Li et al. (4 pages).

3. Attached as Exhibit B is a true and correct copy of U.S. Patent No. 6,811,610 to Frushour et al. (4 pages).

4. Attached as Exhibit C is a true and correct copy of excerpts from the transcript of the deposition of Dr. Robert H. Frushour, Ph.D. in connection with a subpoena served the above-captioned matter (47 pages).

5. Attached as **Exhibit D** is a true and correct copy of excerpts from a laboratory notebook kept by the Phoenix Crystal Corporation, provided as Exhibit 4 to the deposition of Dr. Robert H. Frushour, Ph.D. in connection with a subpoena served the above-captioned matter (45 pages).

6. Attached as **Exhibit E** is a true and correct copy of a Combined Declaration and Power of Attorney signed by Robert H. Frushour and Wei Li on May 22, 2002 (2 pages).

7. Attached as **Exhibit F** is a true and correct copy of letters exchanged between Paul N. Kokulis and James M. Singer [REDACTED] (15 pages).

8. Attached as **Exhibit G** is a true and correct copy of a declaration executed by Russell Hemley, Ho-Kwang Mao, and Chih-Shiue Yan on July 12, 2004, and submitted to the United States Patent & Trademark Office on July 13, 2004 (3 pages).

9. Attached as **Exhibit H** is a true and correct copy of a declaration executed by Gary Kowalczyk on January 15, 2009, and submitted to the United States Patent & Trademark Office by Paul N. Kokulis on January 30, 2009 (1 page).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on July 21, 2020, at Potomac, MD.



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